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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/935,177 | 08/22/2001 | Iain Ower | 11150/39 | 1540 |

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KENYON & KENYON
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New York, NY 10004

EXAMINER

JAKETIC, BRYAN J

| ART UNIT | PAPER NUMBER |
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3627

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,177

Applicant(s)

OWER, IAIN

Examiner

Bryan Jaketic

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1 and 11 objected to because of the following informalities: in the second to last line of each claim, "acquired produce" should be --acquired product--.

Appropriate correction is required.

2. Claims 5 and 15 objected to because of the following informalities: it is unclear whether "product segment" in the last line of each claim should be --process segment-- as in claims 1 and 11. Appropriate clarification is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al in view of Nahan et al. Peterson teaches a method for central supply control of products via a data network comprising the steps of dividing inventories into at least two process segments (see p. 19, line 14, through p. 20, line 10); allocating the inventories in the respective process segments to dealers (see p. 4, lines 14-25) and subdividing the inventory into inventories allocated to consumers (see p. 4, lines 26-32) and free inventory that are acquirable by another dealer without negotiation (see p. 4,

line 33 through p. 5, line 7); performing a search inquiry for a desired product by a dealer (see p. 5, lines 8-13), extending to inventories that have not been allocated to a consumer, wherein the search is performed selectively in accordance to at least one condition (see, for example, p. 12, lines 18-25); and acquiring the product and regrouping it (see p. 5, lines 14-23).

Peterson et al do not teach non-free inventory that is only acquirable after negotiation. Nahan et al teach a network of dealers (see Fig. 1), wherein a dealer can acquire inventory from another dealer after negotiation, and allocating the inventory to non-free inventory or to a consumer (see col. 13, line 19 through col. 15, line 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Nahan et al with the invention of Peterson et al to make non-free inventory available to accommodate all types of inventory, thereby generating more transactions. It further would have been obvious to one of ordinary skill in the art at the time the invention was made in light of the teachings of Nahan to revise non-free inventories to free inventories after a predefined period of time to meet the market price.

Peterson et al further teach the step of dividing inventories for each dealer into inventories before product completion and inventories after project completion, and a minimum and maximum quota for each product (see Fig. 2).

Peterson et al do not teach the step of searching an oldest product first. However, it is common in the art to move oldest products first, and it would have been

obvious to one of ordinary skill in the art at the time the invention was made to search oldest products first to prevent the storage of inventory beyond its shelf life.

Peterson et al further teach the step of performing a production ordering step in response to an unsuccessful searching step (see p. 5, lines 23-32).

Peterson et al do not teach the step of canceling the maximum quota of a post-product completion quota after a predetermined period of time. However, it is common in the art to cancel maximum quotas, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the step of canceling the maximum quota of Peterson et al after a predetermined period of time, because such quotas often become obsolete after time.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Henning et al, Stone et al, Brown et al, Purcell, and Harris et al teach inventory allocation systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Jaketic whose telephone number is (703) 308-0134. The examiner can normally be reached on Monday through Friday (9:00-5:30).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703)308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bj


3/25/04